

Temporary Rule	<input type="checkbox"/> Necessary to protect public health, safety or welfare <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs <input type="checkbox"/> Conferring a benefit
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Docket Number: 58-0108-0601

Section	Existing Rule Summary	Temporary and/or Proposed Rule Summary	Summary of Rule Changes Based on Public Comment	Outstanding Issues
003	Definitions.	Added definition for "Maximum Contaminant Level (MCL)" and "Point of Use Treatment Device" and "Point of Use Treatment System"	No comment received. No change.	None.
450	Use of Non-centralized Treatment Devices.	Added Subsection 450.02, Point of Use Treatment Devices.	No comment received. No change.	None.

IDAHO CODE § 39-107D STATEMENT: Previous federal regulation prohibited use of POU treatment devices for compliance with National Primary Drinking Water Regulations. In 1996, the United States Congress removed this prohibition through language in the Safe Drinking Water Act, 42 U.S.C. § 300g-1(b)(4)(E)(ii).

The revised arsenic standard of 10 parts per billion for drinking water will become effective on January 23, 2006. See National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring, 66 Fed. Reg. 6975-7066 incorporated by reference into Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08. In order to assist communities with complying with the revised arsenic standard, DEQ proposes this rule allowing for use of POU treatment devices as allowed per federal law.

Idaho Code § 39-107D provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations. This rule incorporates language from the Safe Drinking Water Act (42 U.S.C. § 300g-1(b)(4)(E)(ii)). The Safe Drinking Water Act states that POU treatment devices "shall be owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique." *Id.* To that end, this rule includes language DEQ deems necessary in order to ensure that POU treatment devices are operated and maintained pursuant to federal law.

Although the federal Safe Drinking Water Act does not specifically prohibit use of POU treatment devices for compliance with the nitrate maximum contaminant level (MCL), this rule is more restrictive in that it does not allow POU for the nitrate MCL in community water systems because of the risk of acute illness for infants. POU treatment systems may still be used for compliance with nitrate standards for non-community water systems under certain conditions where the risk of acute illness is low. The nitrate MCL was promulgated in 1975 by the Public Health Service and re-promulgated in 1991 by EPA (56 CFR 3526).

POU treatment devices may be covered under the definition of "material modification" outlined in Idaho Code § 39-118 and be subject to plan and specification review. However, because the POU treatment devices are ANSI/NSF certified pre-engineered units and are not being constructed individually onsite, DEQ has determined that these devices will not produce a significant impact on the environment or on public health, and therefore waives plan and specification review for certain small public water systems as specified in the rule. The main public health and environmental concern associated with POU treatment devices pertains to the proper operation and maintenance of the units.